

400 PER CENT DIVIDEND FIGHT

CONTEST OVER THE CONTROL OF AN OYSTER COMPANY.

Hubbard and Wife, as Majority Members, but Minority Stockholders of the Company, Vote a Sale of Some of the Property to Provide for the Dividend.

Ex-Secretary Commissioner Thompson and his wife, acting as minority members of a \$50,000 company of which they are at present minority stockholders, have declared a 400 per cent dividend upon the stock of the company and have passed a resolution to sell a large piece of valuable property belonging to the company to obtain funds to pay the dividend. The other director, who represents the majority stockholders, has engaged counsel and secured an injunction. There is a counter action instituted by the Thompsons against their fellow director involving an alleged fraudulent transfer of stock. The whole matter will come before the Supreme Court in Brooklyn before Justice Jacobus.

Edward Thompson of Northport, L. I., whose winter home is at 222 New York avenue, Brooklyn, formed a partnership several years ago with Dexter K. Cole, also of Northport, in the wholesale oyster business. During and subsequent to the time he occupied office as a member of the State Forest Fish and Game Commission Mr. Thompson acquired land under water at low prices. These lands have enhanced enormously in value. The firm later was incorporated into a stock company known as the Northport Oyster Company.

The property lies near Eaton's Neck, which juts into Long Island Sound northwest of Northport village. Northport Bay, Huntington Bay and Long Island Sound waters nearly surround the neck and the company's lands lie all along that region. They are accounted among the most valuable oyster growing beds in the world. The capital stock of the new company was placed at \$50,000, and 500 shares were issued. Mr. Thompson and his wife took 250 shares and Mr. Cole the remaining 250 shares. Subsequently Cole sold his 250 shares to the Northport Oyster Company, a New Mexico company, which carries oysters, opened and packed in ice, to distant places.

Cole, according to the allegations of Thompson in a legal action he has brought, had prevailed upon Thompson to sell five shares of his stock to John Olmstead, superintendent of a large oyster company of New York City, promising, according to Thompson, to sell an equal amount of his own stock so that he and Thompson should always control the majority of the stock of the Northport Oyster Company. When Thompson ascertained that Cole, as he alleges, had not sold five shares of his stock to the Olmstead party, but had sold his entire holdings to the Oyster Carrier Company and had bought the five shares from Olmstead, thus giving to the Oyster Carrier Company and Cole a majority of the stock, there was friction. He and his wife were elected (by themselves and Cole, who is manager of the Northport Oyster Company) as two of the three directors at the last annual meeting, held in August.

There are said to be half a million bushels of oysters, seven-year-olds, lying upon the beds. These are worth, upon a rough estimate, \$500,000. Thompson thought he and his wife were to be frozen out of the concern, and he called a meeting of the board of directors and declared a dividend of 400 per cent, upon the capital stock, or \$200,000. To provide funds for the payment of this dividend, he ordered the sale of the large dividend until all parties can be heard in court upon the merits of the action.

Meanwhile, Thompson, through his attorney, John L. Hill, secured an injunction against Cole, restraining him from exercising any of the rights of the five shares of stock until the matter is decided. The payment of the large dividend until all parties can be heard in court upon the merits of the action.

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JEW'S GIFT TO METHODISTS.

Synagogue Insists on Recognizing the Courtesy of Calvary Church.

About a year ago, when the Temple Israel decided to put up a new synagogue at 120th street and Lenox avenue, its members wondered where they were going to worship pending the completion of the structure. Among the congregation, of which Daniel P. Hays is president and the Rev. Maurice H. Harris, rabbi, are a number who are on very friendly terms with the members of the Calvary Methodist Church, which has a fine big edifice at 120th street and Seventh avenue.

When the Rev. Charles L. Goodell of Calvary heard of the trouble of the Temple Israel he promptly offered the church to the Jewish congregation, free of charge, on Saturdays until the completion of the synagogue. President Hays and Rabbi Harris accepted the offer with profuse thanks, and ever since then the congregation has held services in Calvary. The Temple Israel was not willing, however, to express its gratitude in resolutions of thanks and it suggested that it should add something to the treasury funds of Calvary. The Rev. Mr. Goodell and the trustees of the church refused to listen to the proposition, declaring that whatever contribution it might make to Calvary should be regarded not in a business light, but purely as a recognition of the good fellowship and generosity of the folks of Calvary. The Temple sent a check, which went astray. When this was found out several weeks ago another check for a larger amount, \$1,000, was made out to the church. The Rev. Mr. Goodell received it, but he did not want to keep it. The Temple Israel politely urged its case, and finally the pastor accepted, sending a cordial acknowledgment to Rabbi Harris.

The congregation of the Temple expect to move into their new synagogue, which is one of the handsomest in the city, without the orthodox dome, about the middle of April. It is hinted that the Temple will insist upon acknowledging its gratitude to Calvary by another gift.

\$17,935 FOR CROW HILL PRISON.

City Auctions Off the Kings County Penitentiary Buildings.

All the Kings County Penitentiary buildings, including the main prison structures, work shops, hospitals, stables, five small emergency structures and the fine stone wall surrounding the famous old Crow Hill bastille of Brooklyn, were sold yesterday at auction by the city. There was a crowd of bidders, composed mainly of second hand building material dealers.

The entire amount realized was \$17,935.40 and most of the property was secured by Joseph Rosenblatt. The buildings must be razed and the material removed by April 11, when Bishop McDonnell will take possession of the site for the Catholic diocese.

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MRS. IDA BINGE BURIED.

Investigation by District Attorney into Her Death Going On Meanwhile.

The District Attorney's investigation into the death of Mrs. Ida Binge, a wealthy widow, who died on Wednesday at her home, 68 East Eighth street, where she lived with her daughter, Mrs. Ida Wallau, was continued yesterday. It will be some time before the District Attorney's office will be able to take any decisive action on the case. Word was received yesterday from Prof. Rudolph A. Witthaus to the effect that it would be at least twenty days before the result of the chemical analysis is known.

Prof. Witthaus is the chemist to whom the bodies of the other victims of Mrs. Binge were turned over after the autopsy performed on Wednesday by Coroner's Physician Schultze a few hours after the death of Mrs. Binge. The responsibility of the chemical analysis does not rest alone with Prof. Witthaus. A part of the examination is being made by Prof. Dr. Gay, a chemist in the laboratory of Dr. Ernst J. Ledebur, former President of the Board of Health.

Neither Miss Elizabeth Devine nor Miss Cleveland, the two nurses who attended Mrs. Binge during her illness, could be reached yesterday. The home of the two women at 504 West 112th street was guarded by a county detective yesterday. His duty was to see that the nurses talked to no one.

The funeral of Mrs. Binge was held at 9 o'clock yesterday morning from the residence of her relatives, 68 East Eighth street. She was buried in the Woodlawn cemetery. In one carriage were Mr. and Mrs. Leopold Wallau, son-in-law and daughter of the dead woman, and their son Alexander. Indiscreetly behind the carriage was one containing County Detective Brennan, who is detailed at the Wallau house.

The Wallaus returned to their home from the cemetery shortly after 2 o'clock. Mrs. Wallau appeared to be bordering on a state of collapse. Her face was pale and she had almost to be carried up the steps leading to her home.

KEATS-SHELLEY MEMORIAL FUND.

Some Famous Authors Will Read From Their Own Writings.

At the Keats-Shelley memorial benefit at the Waldorf-Astoria on next Thursday afternoon the musical elements will be represented by Miss Maud Powell and Mrs. Francis L. Wellman, and all the others on the programme are expected to publicize the fund. The program will include readings from Keats and Mark Twain from Shelley. Mr. Steadman will preside, and Dr. S. Weir Mitchell, Dr. Henry Wood, Dr. J. Hopkinson Smith and Mrs. Ruth McEwen Stuart will read from their writings. Further variety will be given by Miss Beatrice Terfoot with one of her characteristic monologues. The advance sale of tickets and boxes forebodes a large attendance, and among those expected are:

The Italian Ambassador and the Consul General, Baron Mayor des Planches, Count and Countess Massiglia, an official representative of the British Embassy, ex-President and Gen. Bruce Porter, Miss Ellen Terry, Madame Alla Nazimova and a large number of well known authors.

It is said to be had of Miss F. V. Doane, 18 West Thirty-fourth street, or of the Tyson agency.

FOR GAME AND FISH PRESERVE.

New Yorkers Purchase 3,500 Acres in East Kill Valley in the Catskills.

CATSKILL, N. Y., Feb. 8.—Their attorneys here today turned over to Gilbert Colgate, the soap man, and Alfred L. Manierre of the New York city law firm of Manierre & Manierre, deeds for 3,500 acres in the upper end of the East Kill valley, near Black Dome Mountain in the Catskills. Of the 3,500 acres, M. L. Holdridge of Jewett, his entire possession, and the Messrs. Hitchcock of Hensenville sold 1,200 acres. The rest of the land, which is being purchased through the newly acquired property has been ordered closed. Reports say that the new owners intend to establish a fish and game preserve on the mountain.

BUILD TUNNEL FOR SURFACE.

NO CHANGE TO BE MADE IN THE LEXINGTON AVENUE PLANS.

Rapid Transit Commission Opposes a Deep Subway and Will Let Contract According to Specifications—Tunnel Must Be Near the Surface in Congested Districts.

It was learned yesterday from an authoritative source that the Rapid Transit Commission will decide to adhere to the plans for making the new Lexington avenue subway a near surface tunnel. At the public hearing held on Thursday over four hundred Fifth avenue and Broadway merchants whose places of business are along the route protested against the clause in the contract which says that "the manner of construction shall be by tunnelling or excavation under cover except in places where this board shall give express permission to construct by open excavation."

It was contended by the spokesmen for the stockholders that an open excavation would ruin a large number of the Broadway and Fifth avenue storekeepers if access to their places were cut off by an open excavation and it was asserted also that the "cut and cover" method the system followed in the building of the lower Broadway section of the subway to Brooklyn interests of the shopping district. It was urged that the new subway should be made a deep tunnel and constructed by the boring process in order to avoid any disturbance of the surface of the streets.

The commission, it was ascertained yesterday, will reject the protest made on Thursday on the ground that a deep tunnel would be impracticable. It would be held by the commission that a tunnel sixty feet deep would be required for the crossing of the city streets and would, moreover, be inconvenient to the traveling public because of the difficulty of getting easy access and exit at the stations. The commission will declare that at those stations on the present subway where the depth below the surface was increased, the use of elevators in the crowded sections of the city has resulted in great confusion and that the use of the deep level stations in the Washington Heights district.

The original plan, it was stated, drawn by the commission will undoubtedly be adopted at next Thursday's meeting and the Mayor will immediately designate the newspapers in which the advertisements for bids shall be printed. The advertisements must run for six weeks and the Mayor will designate the newspapers in which the advertisements for bids shall be printed.

The draft of the form of contract for the bridge subway loop will be presented to the commission next week. After it has been advertised for two weeks a public hearing must be held, and after that it must be approved by the Corporation Council and then must follow the six weeks advertising for bids. This procedure will mean that fully two months must elapse before the construction contract is let.

In view of the fact that the Legislature will have probably decided by that time to replace the present commission, inquiries were made yesterday as to whether the commission would go ahead with the loop scheme. This question has already been considered by the commission, and it was announced that the board has decided to proceed with the loop plan without delay. "If a new commission should be authorized and that commission should throw out our plans," one of the Commissioners said yesterday, "it would mean that Brooklyn would not get relief for at least two years, but the responsibility for that would rest upon the Governor and the Legislature, and not upon us if we proceed with our plans as though no change was contemplated."

FUSS OVER FILTRATION SCHEME.

The Mayor for It, but Metz Is Opposed—Court House Site Likely to Be Rejected.

Mayor McEllan and Comptroller Metz differed at yesterday's meeting of the Board of Estimate over a proposition to lay out a filtration plant at the eastern division of the Jerome Park reservoir, and as the other members of the board took sides in the discussion there was the usual Friday matinee.

The discussion came up when Commissioner O'Brien of the Department of Water Supply, Electric and Gas, asked for an appropriation of \$1,000,000 for the construction of the Jerome Park reservoir filtration plant. The Mayor declared himself in favor of the idea, but Mr. Metz opposed it. He insisted that it would be a waste of money to build a filtration plant at that site, and that before the city got through with the job it would cost at least \$2,000,000. One of the engineers of the Finance Department, Mr. J. H. Breen, said that the bacteria of typhoid could not be eliminated by filtration, while on the other hand several experts spoke in favor of the plan. Mr. Metz, however, was not willing to change his attitude if it could be proved to him that the filtration idea had gone beyond the experimental stage, and was ready for adoption.

The board adopted a resolution providing for the laying out of a public park on the site of the proposed filtration plant, and a portion of the adjoining Mott street block. The territory to be taken will comprise about one and a half acres, and will include the site of the old Mott street block. A public hearing on the action taken by the board will be held on Friday. The committee appointed to pass upon the recommendation of the new Court House Commission that the Union Square site be used for the new Court House, and that the site of the old Court House be used for a public park, will report yesterday. After the meeting Mr. Metz, who is opposed to the Union Square site because of its costliness, said that the committee would report in favor of the Union Square site, and that the site of the old Court House would be used for a public park.

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RAID PRISONERS HELD.

Promoters of the Jersey City Alleged Bucket Shop Each Put Under \$2,000 Bond.

The ten prisoners who were arrested in the raid on the Manhattan Stock and Grain Dealers' Company's office at 77 Montgomery street, by Acting Chief of Police James F. Rooney, Inspector Frank Monahan and two other officers, were held yesterday for \$2,000 each.

My business is knowing the public—why not, when I am in my thirty-seventh year of active close-range study of the public—the public in all its many and varied moods, moods, and conditions. My study of the public long ago painted for me this sign board: "Any boy can puzzle us. No man can fool us twice."

In the knowledge that the Trinity campaign had been wonderfully successful because I had waited—

Until I was sure it was intrinsically worth 75, and then 100 and over; until all conditions in the copper world were ripe, until the capital stock had been distributed by its original owners and promoters to the public—2,500 stockholders—at under 11, until it was on the point of demonstrating all this to the public.

In the knowledge, I repeat, that the exceptional success of the Trinity movement was because I had waited patiently for the conditions before beginning my public campaign, and anxious that nothing artificial should give my campaign a setback, and more than anxious to test the stability of my campaign without its nurse, I halted my daily advertising, went into the country for a week and allowed the movement to take care of itself.

My most vicious enemy would admit that Trinity while left to itself has shown that it is the real thing. While the dealings, during my absence, have fallen off from the daily unprecedented amounts for the past forty days Trinity still was among the three most active stocks on the Exchange, and what is more significant, was within a few points of the very highest figure.

This is in addition to proof of what I have been telling the public—Trinity went from 11 to 40, and will go from 40 to 75, and then to 100 and over, not because of my work, but because it is a great copper property and because it has been so handled and its stock so distributed to the public at the bottom, instead of at the top (as is usually the case by promoters unloading) that the public can only see its worth, but are ready to take advantage of the exceptional opportunity it offers for investment and speculation.

I would impress upon the public, as I did when I first called their attention to Trinity, then selling at 11, that I advise, unqualifiedly, the purchase of Trinity stock at any price under \$85 per share.

I would also call their attention to the fact that in my Butte campaign, where I advised the public to buy Butte, then selling at 85, that it would go to 100, Butte did afterward go to 130, and is to-day selling at 113; that in my Mountaintop campaign, where I advised the public to buy Mountaintop, then selling at 10, because it would go to 100, Mountaintop did afterward go to 105, and is to-day selling at 85.

In all three of these campaigns there were the same halting places as will be found in the Trinity campaign, where my enemies took courage to take a fresh grip on their pull down rope—but I must admit that I cannot recall any acts of my enemies in those campaigns quite so ludicrous as the school-boy manoeuvres which they are putting in the field at present.

For instance, during my absence they widely circulated the story that my funds and accounts had been attached for millions, and that I would be compelled to retire for a time from the Trinity campaign. As a matter of fact, since the Trinity campaign began I have not had a single account, a single share of stock or a single dollar attached in any law suit or in any way.

In advising the public to buy Trinity now, before the coming copper boom is fairly under way, I will state that my coming advertisements will contain some exceptional meaty reading. Those of next week will show for the first time, so that all may understand, just how it is possible and profitable for the principal owner of a corporation to distribute a large portion of his holdings to the public at the very bottom price, then to spend a large amount of money in advertising the stock up to the point of advancing three or four hundred per cent, and without disposing of a single share at the advance, to give all the advantage to the public.

THE TUBERCULOSIS REPORT.

Charity Organization Committee Wants a Hospital and Dispensary.

The sub-committee of the Charity Organization Society which has been considering the subject of cooperation to prevent the spread of pulmonary tuberculosis in this city, has made public the result of its investigations and its recommendations. The report is addressed to Edward M. Groot, chairman of the Hospital Commission of the City of New York.

The treatment of the tuberculous poor of the city, says the report, is being carried on by three city departments, each acting independently of the other, and there are five public and four private special dispensaries giving treatment. The report recommends a broad plan of centralization under the supervision of the Health Department and also sets forth the needs of Manhattan borough especially for the year 1910, that being the year when, it is estimated, the working plan can be put into effect.

The report calls for the establishment of fifteen dispensaries for a central dispensary, tuberculosis hospital, of the river front on the Bellevue Hospital grounds. It recommends that a special "Board of Tuberculosis" be formed, to be composed of the Commissioner of Charities, the president of the Bellevue and Allied Hospitals Board and the Commissioner of the Health Department. The board, which shall have entire supervision of the management of the central hospital and dispensaries.

The investigations and tabulations for the report were made by Christopher Easton, and his data were drawn largely from the figures which the Board of Health has been collecting for several years. Based upon the estimated population in 1910 Mr. Easton has figured that the number of tuberculosis cases in Manhattan in 1910 will be 19,000 and that the dispensary provision should be made for 4,000 of these. He also estimates that for the treatment of the tuberculous poor 7,500 hospital beds will be required. The cost of maintaining the system of dispensaries and the hospitals, he estimates, will be \$1,200,000.

According to the Health Department's figures there were on August 15 last 22,185 tuberculosis sufferers in Manhattan. At present there are under observation at one time about 1,500 dispensary cases, while it is said there should be at least 9,000 cases under observation at one time. The largest percentage of cases in Manhattan is in the crowded, tenement districts of the East Side, while the largest percentage of private cases is on the upper West Side and the Bronx.

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TRINITY AND

ANNOUNCEMENT.

The Subscription Books of the BUTTE EXEMPTION COPPER CO.

Will Close at 3 P. M. on SATURDAY, FEB'Y 9th, 1907.

F. W. CHILD, 74 BROADWAY, N. Y.

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HOTELS AND RESTAURANTS.

WHERE TO DINE.

Travellers' Co., 117 Broadway, Tel. 470 and 54. A la Carte—Fruit, Table d'Hôte.

CAFE MARTIN, 207 ST. AND 27th ST. THE LEADING FRENCH RESTAURANT. DINNER, \$1.50. 6 TO 8 P. M. Telephone, 1200 Madison Square.

LÜCHOW'S, 1-10 East 14th St., Tel. 720-0117. FAMOUS GERMAN RESTAURANT. Music by THE VIENNA ARTIST ORCHESTRA. CAFE LAFAYETTE, 117 Broadway, Tel. 470 and 54. CAFE MARTIN, 207 ST. AND 27th ST. THE LEADING FRENCH RESTAURANT. DINNER, \$1.50. 6 TO 8 P. M. Telephone, 1200 Madison Square.

BURNS, 117 Broadway, Tel. 470 and 54. CAFE LAFAYETTE, 117 Broadway, Tel. 470 and 54. CAFE MARTIN, 207 ST. AND 27th ST. THE LEADING FRENCH RESTAURANT. DINNER, \$1.50. 6 TO 8 P. M. Telephone, 1200 Madison Square.